

REMARKS

Claims 2-4 and 6-16 are pending in the application. Claims 1 and 5 were previously canceled.

Claim Rejections – 35 U.S.C. § 112

Claims 2-4 and 6-16 have been rejected under 35 U.S.C. § 112, second paragraph, because of some informalities.

Claims have been amended to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections – 35 U.S.C. § 102

(a) Claims 2, 3, 9, 10, and 13-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Smith et al. (USP 3,994,249). This rejection is respectfully traversed.

Smith discloses an inflator that includes a tank 22, a housing 16 attached to the tank 22, a propellant storage member 60 attached to the housing 16, and a diffuser member 37 also attached to the housing 16. The propellant storage member 60, which accommodates an igniter 80, and the diffuser member 36 are attached to the housing 16 in a direction perpendicular to a longitudinal axis of the tank 22, and they oppose one another.

Smith discloses, in Fig. 3, a cross sectional view of an inflating system 4 having a tank 22 provided with a housing member 16. The housing member 16 includes, in the left hand in Fig. 3, a propellant storage member 60 having an igniter 80. The housing member 16 further includes, in the right hand in Fig. 3, a diffuser member 36. The housing member 16, the propellant storage member 60, and the diffuser member 36 correspond to the “diffuser portion” recited in claim 13.

In Smith, a space defined by the housing 16 and the propellant storage member 60 are sealed by a rupturable closure portion 34, and the space defined by the housing 16 and the diffuser member 36 are sealed a rupturable closure portion 32.

Smith requires two rupturable closure portions to seal the propellant storage member 60 and the diffuser member 36 from the pressurized gas accommodated in the tank 22 and also because of a rod 56 provided between the rupturable closure portions.

Therefore, the inflating system of Smith merely discloses two rupturable closure portions and fails disclose or suggest "only a single rupturable plate provided within the diffuser portion" as recited in claim 13.

Claims 2, 3, 9, 10, and 14-16, variously dependent on claim 13, are allowable at least for their dependency on claim 13.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 2, 3, 9-11, and 13-16 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nanbu (USP 6,572,141). This rejection is respectfully traversed.

Nanbu discloses an inflator having a pressure vessel 12, an element defining a small chamber 18 and accommodating an initiator 30, and a gas port 14 in communication with the small chamber 18.

Nanbu, similar to the Smith reference, discloses two rupturable plates, namely a first burst shim 16 and a second burst shim 22, to seal a small chamber 18. Nanbu requires two burst shims due to its activation mechanism.

Therefore, Nanbu fails to disclose or suggest “only a single rupturable plate provided within the diffuser portion” as recited in claim 13.

Claims 2, 3, 9-11, and 14-16, variously dependent on claim 13, are allowable at least for their dependency on claim 13.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections – 35 U.S.C. § 103

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nanbu in view of Cuevas et al. (USP 5,593,180). This rejection is respectfully traversed.

Claim 7, dependent on claim 13, is allowable at least for its dependency on claim 13.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner’s indication that claims 4, 6, and 8 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims rejected under 35 U.S.C. § 112, second paragraph, have been amended to overcome this rejection, and are allowable at least for their dependency on claim 13.

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.


The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: March 13, 2006

Respectfully submitted,

for By  (reg. #40,417)  
Terrell C. Birch  
Registration No.: 19,382  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant